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OFFICE OF PETITIONS

In re Application of :
Wenzel, et al. :
Application No. 09/728,704 : **ON PETITION**
Filed: November 30, 2000 :
Attorney Docket No. ZD-P001 :

This is a decision on the renewed petition to revive under 37 CFR 1.137(b), filed October 26, 2006.

The petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." There is no fee for the renewed petition. This is **not** a final agency decision within the meaning of 5 USC 704.

The application became abandoned for failure to file a proper response to the final Office action mailed September 26, 2005. No reply having been received, the application became abandoned on December 27, 2005. A Notice of Abandonment was mailed on June 7, 2006. Applicants filed a petition to revive on July 21, 2006. However, the petition was dismissed in a decision mailed on October 16, 2006, because applicants did not include the correct application number on the petition.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date

for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The instant petition does not meet requirement (1). The Examiner has review the amendment and determined that it does not *prima facie* place the application in condition for allowance. On renewed petition, petitioner must submit a proper reply in response to the final Office action. The proposed reply to a final Office action required for consideration of a petition to revive must be either (1) a Notice of Appeal (and fee required by law); (2) an amendment that *prima facie* places the application in condition for allowance; (3) the filing of a continuing application under 37 CFR 1.53(b) or if applicable, 1.53(d); or (4) a request for a continuing examination (RCE) under 37 CFR 1.114.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571)273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions